

casino site – voiced concerns similar to those of the Minnesota tribes about the possible economic harm its casino would suffer from a casino in Hudson, as well as the potential broader effect on Indian gaming. Three other Wisconsin tribes also sent letters to the Minneapolis Area Office in early 1994; two stated that they were not opposed to the proposed facility. The Lac du Flambeau tribe stated that it believed the casino would, in fact, have a beneficial impact. The Oneida made a more limited statement, noting that, strictly from their perspective, the proposed facility was too far away to have any impact on their existing facility. A third Wisconsin tribe – the Ho-Chunk Nation – expressed opposition to the proposal, but the only stated basis for their opposition was their insistence upon resolution of their dispute with the state of Wisconsin over siting a gaming facility in Madison before approval of the Hudson proposal.

4. The BIA Issues a Draft Finding of No Significant Impact

Around May 1994, the MAO took steps to ensure compliance with the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 *et seq.*, (NEPA) which applies to virtually all governmental decisions. NEPA mandates examination of the potential environmental impacts of the proposed use of the land to be put in trust and requires, at a minimum, the performance of an environmental assessment. NEPA evaluations include assessment of land use issues, as well as issues of pollution and impact on protected archeological sites or wild life. If the Area Office determines there is a potential for detrimental impacts, it may require the performance of an environmental impact study, a much more extensive, expensive and time-consuming examination of the potential environmental impacts.

If it finds no significant negative impact, the evaluating agency can issue a Finding of No Significant Impact (FONSI). The FONSI is first made available to the public in draft form so